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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,691

09/25/2003

Charles R. Weirauch

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08/30/2006

EXAMINER

PHAM, VAN T

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ART UNIT

PAPER NUMBER

2627

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/670,691

Applicant(s)

WEIRAUCH, CHARLES R.

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

***Drawings***

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-13, 24-25 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12-13, 24-25 and 31-32 recite the limitation "the next write operation" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaquette et al. (US 5,602,814).

Regarding claim 1, see Figs. 2 and 11, discloses a method of determining optimum power for writing to an optical disc, comprising: performing a power calibration test comprising: writing test data to a user data area on the optical disc (see col. 7, line 62- col. 8, line 24 and col. 8, line 66- col. 9, line 6); and reading the test data (see col. 4, lines 32-42).

Regarding claim 2, see Figs. 2, 5, and 13A, discloses the method, as set forth in claim 1, further comprising determining a power test range spanning a current optimum power setting (see cols. 4, 8).

Regarding claim 3, see Figs. 2, 5, and 13 discloses the method, as set forth in claim 2, further comprising determining the current optimum power setting (see cols. 4, 10).

Regarding claim 4, see Figs. 2, 14, discloses the method, as set forth in claim 3, wherein determining the current optimum power setting comprises performing an initial power calibration test using an initial power test range (see abstract and cols. 5, 7-8).

Regarding claim 5, see Figs. 2-3, 5, discloses the method, as set forth in claim 1, wherein writing test data to a user data area comprises writing the test data in response to the determined power test range (see rejection of claim 4).

Regarding claim 6, see Fig. 2, discloses the method, as set forth in claim 1, further comprising determining a new optimum power setting in response to reading the test data (see col. 2, lines 47-62).

Regarding claim 7, see Figs. 2, 8 and 13, discloses the method, as set forth in claim 2, wherein determining a power test range comprises: setting a lower power test value to a

predetermined percentage below the current optimum power setting; and setting an upper power test value to a predetermined percentage above the current optimum power setting (see cols. 6-7).

Regarding claim 8, see Figs. 2, 5, 7-8 and 11, discloses the method, as set forth in claim 2, wherein determining a power test range comprises: setting a lower power test value to approximately 5% below the current optimum power setting; and setting an upper power test value to approximately 5% above the current optimum power setting (inherently and see col. 11).

Regarding claim 9, see Fig. 5, discloses the method, as set forth in claim 4, wherein determining a power test range comprises setting the power test range less than the initial power test range (see rejection above of claim 8).

Regarding claim 10, see Fig. 5, discloses the method, as set forth in claim 2, wherein determining a power test range comprises setting the power test range to span a predetermined amount of power.

Regarding claim 11, see Figs. 7-8, discloses the method, as set forth in claim 2, wherein determining a power test range comprises setting the power test range to span approximately 2 milliwatts (see col. 12).

Regarding claims 12-13, see Figs. 3, 11-12, discloses the method, as set forth in claim 1, wherein writing test data to a user data area comprises writing test data to a location of the next write operation or a location proximate to the next write operation.

Regarding claim 14, see Fig. 2, discloses the method, a set forth in claim 1, wherein the power calibration test is performed periodically (see col. 8).

Regarding claim 15, see Fig. 2, discloses the method, a set forth in claim 1, wherein the power calibration test is repeated upon meeting a predetermined criteria (see col. 15).

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Regarding claim 16, see Fig. 2, discloses the method, as set forth in claim 1, wherein the power calibration test is repeated in response to detecting a rise in temperature of the optical disc (see col. 18).

Regarding claims 17-25, see rejection above of claims 1-7, 12 and 13, respectively.

Regarding claims 26-33, see rejection above of claims 1-2, 5-7, 12-13 and 15, respectively.

***Cited References***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to calibration of write-once disks using a single disk sector and optical disk device and recording power determining method; method and apparatus for detecting optimum recording power for an optical disk.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER